BILL NO. R-87-02-17

RESOLUTION NO. R- 13-87

A RESOLUTION RATIFYING AND APPROVING DECLARATORY RESOLUTION 87-3 OF THE FORT WAYNE REDEVELOPMENT COMMISSION AND THE APPROVING RESOLUTION OF THE FORT WAYNE PLAN COMMISSION

WHEREAS, the Fort Wayne Redevelopment Commission on January 21, 1987, adopted Declaratory Resolution 87-3, said Resolution being Amendment No. 6 to the Civic Center Renewal Project, which Resolution is attached hereto and made a part hereof and marked Exhibit "A"; and

WHEREAS, the Fort Wayne Plan Commission adopted a
Resolution approving the Declaratory Resolution and Redevelopment
Plan on March 2, 1987, a copy of said Resolution being attached
hereto and made a part hereof as Exhibit "B:; and

WHEREAS, pursuant to I.C. 36-7-14-16, the Redevelopment Commission may not proceed with the redevelopment of a blighted area until the approval of the Declaratory Resolution by this Common Council; and

WHEREAS, this Common Council has reviewed said Resolutions and desires to approve same;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. Declaratory Resolution 87-3 of the Fort Wayne Redevelopment Commission, attached hereto as Exhibit "A" and the Resolution of the Fort Wayne Plan Commission, attached hereto as Exhibit "B", are hereby approved, ratified, and confirmed.

SECTION 2. This resolution shall be in full force and effect from and after its passage and approval by the Mayor.

Baylleiler COUNCIL PERSON

APPROVED AS TO FROM AND LEGALITY.

Bruce O. Boxberger, City Attorney
Dated this 33 day of Feb., 1987

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DECLARATORY RESOLUTION AMENDMENT NO. SIX TO CIVIC CENTER RENEWAL PROJECT

WHEREAS, the Fort Wayne Redevelopment Commission has made investigations, studies, and surveys of various blighted, deteriorated, and deteriorating areas within the City of Fort Wayne, Indiana, and of the causes contributing to the blight and deterioration of such areas; and

WHEREAS, such investigations, studies, and surveys have been made in cooperation with the various departments and bodies of said City and have been directed toward determining the proper use of land and improvements thereon so as to best serve the interests of the City and its inhabitants, both from the standpoint of human needs and economic values, and as a result of such investigations, studies, and surveys, the Commission has found that the area heretofore described in the Civic Center Renewal Plan dated August 1, 1977, and amended on December 19, 1980, and amended June 21, 1982, and amended on October 7, 1982, and amended on January 28, 1986, and amended on June 30, 1986, and further amended on January 21, 1987, consisting of 23 pages and 6 exhibits is blighted, deteriorated, and deteriorating. Specifically, the following described area in the City of Fort Wayne, Indiana is found and declared to be blighted, deteriorated, and deteriorating to such an extent that such conditions cannot be corrected by regulatory processes or by the ordinary operations of private enterprise, without resort to the provisions of the Redevelopment of Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981 of the General Assembly of the State of Indiana, as amended and supplemented and which area is bounded and described as follows:

BEGINNING at the point of intersection of the northerly right-of-way line of Washington Boulevard and the easterly right-of-way line of Clinton Street; Thence northerly along the easterly right-of-way line of Clinton Street to the northerly right-of-way line of

RESOLUTION NO. 87-3

DECLARATORY RESOLUTION AMENDMENT NO. SIX TO CIVIC CENTER RENEWAL PROJECT

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WHEREAS, such investigations, studies, and surveys have been made in cooperation with the various departments and bodies of said City and have been directed toward determining the proper use of land and improvements thereon so as to best serve the interests of the City and its inhabitants, both from the standpoint of human needs and economic values, and as a result of such investigations, studies, and surveys, the Commission has found that the area heretofore described in the Civic Center Renewal Plan dated August 1, 1977, and amended on December 19, 1980, and amended June 21, 1982, and amended on October 7, 1982, and amended on January 28, 1986, and amended on June 30, 1986, and further amended on January 21, 1987, consisting of 23 pages and 6 exhibits is blighted, deteriorated, and deteriorating. Specifically, the following described area in the City of Fort Wayne, Indiana is found and declared to be blighted, deteriorated, and deteriorating to such an extent that such conditions cannot be corrected by regulatory processes or by the ordinary operations of private enterprise, without resort to the provisions of the Redevelopment of Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981 of the General Assembly of the State of Indiana, as amended and supplemented and which area is bounded and described as follows:

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the east west alley running from Clinton Street to Barr Street; Thence easterly along the northerly right-ofway line of the east west alley running from Clinton Street to Barr Street for a distance of approximately 235 feet; Thence northerly along a line parallel to the easterly right-of-way line of Clinton Street for a distance of approximately of 150 feet to the southerly right-of-way line of Wayne Street; Thence easterly along the southerly right-of-way line of Wayne Street to the easterly right-of-way line of Barr Street; Thence northerly along the easterly right-of-way line of Barr Street to the southerly right of way line of the east west Alley running from Barr Street to Lafayette Street; Thence easterly along the southerly right-of-way line of the east west Alley running from Barr Street to Lafayette Street a distance of approximately 287.4 feet to the eastern boundary of Lot 272 of Samuel Hanna's First Addition; Thence northerly along said easterly boundary of Lot 272 of Samuel Hanna's First Addition and continuing along the easterly boundary of Lot 64 of County Addition, a distance of 150 feet to the southerly right-of-way line of Berry Street; thence westerly along the southerly right-of-way line of Berry Street to the easterly right-of-way line of Barr Street; Thence northerly along the easterly right-of-way line of Barr Street to the northerly right-of-way line of Main Street; Thence westerly along the northerly right-of-way line of Main Street to the extension of the western boundary of Lot 88 of the Original Plat to the City of Fort Wayne; Thence southerly along the extension of and on the western boundary of said Lot 88 of the original Plat to the City of Fort Wayne to the southerly right-of-way boundary of the east west alley running between Clinton Street and Barr Street between Main Street and Berry Street; Thence easterly along the southerly right-of-way of said alley to the intersection of said alley and the westerly right-of-way line of the north south alley running from Berry Street to Main Street; Thence southerly along the easterly right-of-way line of the said north south alley to the northerly right-of-way line of Berry Street; Thence westerly along the northerly right-of-way line of Berry Street to the westerly right-of-way line of Clinton Street; Thence southerly along the westerly right-of-way line of Clinton Street to the northerly right-of-way line of Wayne Street;
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Street; Thence southerly along the westerly right-of-way
line of Harrison Street to the southerly right-of-way line of Lewis Street; Thence easterly along the southerly right-of-way line of Lewis Street to the easterly right-of-way line of Calhoun Street; Thence northerly along the easterly right-of-way line of Calhoun Street to the southerly right-of-way line of Jefferson Boulevard; Thence easterly along the southerly right-of-way line of Jefferson Boulevard to the easterly right-of-way line of Clinton Street; Thence northerly along the right-of-way line of Clinton Street to the POINT OF BEGINNING.

and that the public health and welfare would be benefited by the urban renewal of such area under the provisions of said Act; and

WHEREAS, the Commission has heretofore caused to be prepared maps and plats showing the boundaries of heretofore and hereinafter described blighted, deteriorated, and deteriorating area, the location of the various parcels of property, streets, alleys, and

other features affecting the urban renewal of such area, indicating any parcels of property to be excluded from the acquisition and the portions of the area which are to be devoted to streets, alleys, sewerage, playground and other public purposes under the Urban Renewal Plan; and

WHEREAS, there was presented to this meeting of the Governing Body of the City of Fort Wayne, Department of Redevelopment, for its consideration and approval, a copy of Urban Renewal Plan Amendment for the area comprising the renewal project dated August 1, 1977, and amended December 19, 1980, and amended June 21, 1982, and amended on October 7, 1982, and amended January 28, 1986, and amended June 30, 1986, and further amended January 21, 1987, consisting of 23 pages and 6 exhibits, and;

WHEREAS, this Commission has, at a meeting open to the public, heard evidence and reviewed the maps and plats presented at the meeting and has considered same;

NOW, THEREFORE, BE IT RESOLVED by the Fort Wayne

Redevelopment Commission that the Urban Renewal Plan for the Civic

Center Renewal Project, dated August 1, 1977, amended December 19,

1980, and amended June 21, 1982, and amended October 7, 1982, and

amended January 28, 1986, and amended June 30, 1986, and further

amended January 21, 1987, consisting of __23_ pages and

__6_ exhibits be and the same is hereby approved.

BE IT FURTHER RESOLVED that in all proceedings relating to the urban renewal of the above described area, the same shall be referred to as the Civic Center Renewal Project.

BE IT FURTHER RESOLVED that the Commission now declares the above described area blighted, deteriorated, and deteriorating and a menace to the social and economic interests of the City of Fort Wayne and its inhabitants and that the urban renewal of such area shown on the above described maps and plats under the provisions of the Redevelopment Blighted Areas Act of 1981 (P.L. 309 and 310 of the Acts of 1981 of the General Assembly of the State of Indiana, as amended and supplemented) will be of public utility and benefit, and that the Department of Redevelopment of the City of Fort Wayne will

acquire all of such land and interests therein within said boundaries with the exception of those parcels to be excluded as indicated on maps of the area.

BE IT FURTHER RESOLVED that the urban renewal of such area be in accordance with the Urban Renewal Plan for the Civic Center Renewal Project.

BE IT FURTHER RESOLVED pursuant to Section 36-7-14-39 of the Redevelopment of Blighted Areas of 1981, as amended and supplemented, as follows:

- (a) As used in this Resolution for purposes of distribution and allocation of real property taxes, "allocations area" means all of the blighted area included in the description of real estate in this Declaratory Resolution.
- (b) Any real property taxes hereafter levied by or for the benefit of any public body entitled to a distribution of property taxes on taxable real property and the allocation area described in the within Declaratory Resolution shall be allocated and distributed as follows:
 - (1) Except as otherwise provided in this section, the proceeds of such taxes attributable to the lesser of:
 - (i) the assessed value of such property for the assessment date with respect to which the allocation and distribution is made, or
 - (ii) the assessed value of all such property as finally determined for the assessment date immediately preceding the effective date of the allocation provision of this Declaratory Resolution; shall be allocated to and when collected paid into the funds of the respective taxing units.
 - (2) Except as otherwise provided in this section, property tax proceeds in excess of those described in subdivision (1) shall be collected, paid into a special fund for that allocation area that may be used by the redevelopment district only to:
 - (A) pay the principal of and interest on any obliga-

tions payable solely from allocated tax proceeds which are incurred by the redevelopment district for the purpose of financing or refinancing the redevelopment of that allocation area;

- (B) restore the debt service reserve for bonds payable solely or in part from allocated tax proceeds in that allocation area;
- (C) pay the principal and interest of bonds payable from allocated tax proceeds in that allocation area and from the special tax levied under I.C. 36-7-14-27; or
- (D) pay principal and interest of bonds issued by the unit to pay for local public improvements in that allocation area, to reimburse the unit for expenditures made by it for local public improvements (which include buildings, parking facilities, and other items described in I.C. 36-7-14-21.1 (a)) in that allocation area, or for rentals paid by it for a building or parking facility in that allocation area under any lease entered into under I.C. 36-1-10.
- (3) When the monies in the allocation fund are sufficient to pay when due all principal and interest on bonds described herein, and is not needed for the other purposes described herein, monies in the allocation fund in excess of that amount shall be paid to the respective taxing units in the manner provided in clause (1) of this section.

BE IT FURTHER RESOLVED that a copy of this Resolution, together with said Urban Renewal Plan and supporting data be submitted to the City Plan Commission of Fort Wayne for examination by that body and its determination as to whether this Declaratory Resolution and said Urban Renewal Plan conform to the master plan of development for said City and for its written order approving or disapproving for said City this Declaratory Resolution and said proposed Urban Renewal Plan.

BE IT FURTHER RESOLVED that if an approving order is

issued by said City Plan Commission, that same shall be transmitted to the Common Council of the City of Fort Wayne for its approval.

BE IT FURTHER RESOLVED that upon receipt of the written order of approval of said City Plan Commission and the approval of the Common Council of the City of Fort Wayne a notice shall be published in accordance with the requirements of I.C. 5-3-1, Blighted Areas of 1981, fixing a date for the receiving and hearing of remonstrances and objections from persons interested in or affected by the proceedings pertaining to the proposed project and for the final determination of the public utility and benefit thereof.

FORT WAYNE REDEVELOPMENT COMMISSION

President

Nawn & Thoma

ATTEST:

Ronald Fletcher
Assistant Director for Redevelopment

ADOPTED: January 21, 1987

This Resolution prepared by and approved as to form and legality by John J. Wernet for the Redevelopment Commission.

John H. Shoaff, Secretary Fort Wayne City Plan Commission

OF ALLEN SS:

commission, do hereby certify that the foregoing is a full, true commission at an executive meeting of said Commission held the official records of the said Plan Commission dated the day of

Approved:

Steven Smith, President Fort Wayne City Plan Commission

RESOLUTION OF THE FORT WAYNE CITY PLAN COMMISSION

The City Plan Commission of the City of Fort Wayne in executive
session of, having before it a copy of the Fort
Wayne Redevelopment Commission's Amendment No. 6 to the Civic Center
Urban Renewal Plan adopted by the Redevelopment Commission on January
21, 1987, together with the Urban Renewal Plan referred to therein
and the necessary supporting data and all of which having been duly
considered, the Fort Wayne City Plan Commission upon motion by
, seconded by, and unanimously
approved, adopted the following resolution:

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that said Amendment No. 6 to the Civic Center Renewal Project and said Urban Renewal Plan conform to the Master Plan of Development for the City of Fort Wayne and said Declaratory Resolution and Urban Renewal Plan are accordingly hereby approved.

BE IT FURTHER RESOLVED that the President of this Commission be and he is hereby authorized to deliver to the Fort Wayne Redevelopment Commission and to the Common Council of the City of Fort Wayne a certified copy of this resolution which shall constitute the approving order of the Fort Wayne City Plan Commission as required

by law approving said Civic Center Renewal Project Amendment No. 6.

John H. Shoaff, Secretary Fort Wayne City Plan Commission

STATE OF INDIANA)

COUNTY OF ALLEN

SS:

Approved:

Steven Smith, President Fort Wayne City Plan Commission URBAN RENEWAL PLAN

CIVIC CENTER RENEWAL PROJECT

AMENDMENT No. 6
FORT WAYNE, INDIANA

FORT WAYNE
REDEVELOPMENT
COMMISSION

CIVIC CENTER RENEWAL PROJECT URBAN RENEWAL PLAN

Prepared by the

Fort Wayne Redevelopment Commission

Adopted: August 1, 1977

Amended: December 19, 1980, June 21, 1982, October 7, 1982, January 28, 1986, June 30, 1986, January 21, 1987

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A. DESCRIPTION OF PROJECT AREA

The Civic Center Renewal Project is bounded generally as follows and as depicted on Map No. 1, Project Boundary:

BEGINNING at the point of intersection of the northerly right-ofway line of Washington Boulevard and the easterly right-of-way line of Clinton Street; Thence northerly along the easterly right-of-way line of Clinton Street to the northerly right-of-way line the east west alley running from Clinton Street to Barr Street; Thence easterly along the northerly right-of-way line of the east west alley running from Clinton Street to Barr Street for a distance of approximately 235 feet; Thence northerly along a line parallel to the easterly right-of-way line of Clinton Street for a distance of approximately of 150 feet to the southerly right-of-way line of Wayne Street; Thence easterly along the southerly right-of- way line of Wayne Street to the easterly right-of-way line of Barr Street; Thence northerly along the easterly right-of-way line of Barr Street to the southerly right of way line of the east west Alley running from Barr Street to Lafayette Street; Thence easterly along the southerly right-of-way line of the east west Alley running from Barr Street to Lafayette Street a distance of approximately 287.4 feet to the eastern boundary of Lot 272 of Samuel Hanna's First Addition; Thence northerly along said easterly boundary of Lot 272 of Samuel Hanna's First Addition and continuing along the easterly boundary of Lot 64 of County Addition, a distance of 150 feet to

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B. STATEMENT OF PROJECT OBJECTIVES

1. General Objectives

- opment of a multi-use complex of civic and related facilities in accord with the Downtown Concept Plan endorsed by the City Council and Redevelopment Commission.
- b. To enhance the downtown core area through the development of a specialty retail center and office complex.
- c. To support existing and proposed downtown development by generating new activities, particularly
 in the evenings and on weekends, necessary parking and
 other related facilities,
- d. To encourage rehabilitation of adjacent areas.
- e. To remove blighting influences and substandard,

obsolete structures which adversely affect downtown development opportunities.

- f. To promote attractive, efficient development in accord with the total development program for downtown.
- g. To provide improved pedestrian and vehicular circulation, adequate off-street parking, and loading facilities, and better relationship to mass transit.

2. Specific Design Objectives

- a. To develop a civic and convention center on the block bounded by Harrison, Washington, Calhoun, and Jefferson Streets, including banquet, exhibition and meeting facilities with direct physical and functional connections to an adjacent hotel, the Embassy Theater, and off-street parking.
- b. To rehabilitate and restore the Embassy Theater a structure listed on the National Register of Historic
 Places and to rehabilitate and adapt for compatible
 uses the attached structure, and former Indiana Hotel.
- c. To provide direct all-weather pedestrian connections between the various uses within the project as well as to new and existing uses in adjacent

blocks.

- d. To design and develop buildings, plazas, parks, and related open space in the Project Area that are attractive to both users and passers-by and that are carefully woven into the entire downtown fabric.
- e. To transform the block bounded by Washington Boulevard and Wayne, Calhoun and Harrison Streets (Courtyards) into specialty retail area.
- f. To acquire the necessary parcels within the Courtyards project that will allow the project to occur in accordance with the attached land acquisition plan.
- g. To encourage the reoccupancy of the former Ayres building with uses reinforcing the downtown's office and retail sectors.
- h. To provide the necessary redevelopment incentives to induce the development of the southwest corner of Barr and Main Streets into an office and parking facility.

C. URBAN RENEWAL TECHNIQUES TO BE USED

- 1. Acquisition and Clearance
 - Conditions and reasons under which properties may be acquired and cleared are as follows:
 - a. To remove buildings with major deficiencies which

are substandard, warranting clearance.

- b. To remove buildings with minor deficiencies in order to effectively remove blighting influences which include the following:
- 1. Incompatible land uses or land use relationships.
- 2. Overcrowding of structures on parcels.
- 3. Obsolete buildings not suitable for conversions.
- c. To provide adequate sites for development, in accordance with the stated design criteria, to meet the goals and objectives of the overall plans for the area.
- d. To enable necessary public improvements to be made, in accordance with the overall plans for the area.
- e. The real property to be acquired is shown on the Land Acquisition Plan (Map No. 2).

2. Rehabilitation

Only one structure in Blocks 1-5 (map #5) is proposed to be rehabilitated under the plan - the Embassy Theater and attached building on the southeast corner of Harrison Street and Jefferson Boulevard. Rehabilitation shall be carried out in accord with all applicable codes and ordinances to

the historic and architectural significance of the structure. Reuse of the attached former Indiana Hotel shall be encouraged which complements the functions of the Embassy Theater and other components of the civic center area.

In Block 6, 12 of the 20 structures have been rated as substandard; and parcels 6-5 through 6-15 are proposed to be rehabilitated and/or razed. In Block 8, the former Ayres building will be renovated for office space reuse.

other structures proposed to remain in the Project Area are either standard or are proposed for removal and/or rehabilitation by their owners. It is the intent of this Plan for all structures in the Project Area to meet all applicable codes and ordinances of Fort Wayne.

3. Acquisition Policies

The Redevelopment Commission will follow the land Acquisition Procedure set forth in the Redevelopment of Cities and Towns Act of 1953 as amended and supplemented. This Act provides for the acquisition of land by the Redevelopment Commission through the exercise of the power of eminent domain should that be deemed necessary by the Commission.

4. Relocation Policies

All relocation benefits and services will be provided

in accordance with the Uniform Relocation and Acquisition Policies Act of 1979 as amended and supplemented.

5. <u>Leasing</u>

In order to facilitate implementation of actions which will meet the objectives of this Plan, the Redevelopment Commission may lease property it has acquired to private or public entities. The Redevelopment Commission will follow the procedures for leasing of real property described in Section 36-7-14-22 of the Indiana Code.

6. Acquisition of Easements

Where necessary to carry out this Plan, the Redevelopment Commission may acquire easements permitting the installation, relocation, or attachment of public utilities, or improvements on property which the Commission does not own.

7. Project Improvements

The provision of public improvements in the Project Area will be undertaken as required to accommodate new development and enhance the function and appearance of the Project Area. Such improvements will include, but not be limited to the following:

a. Relocation of Existing Utilities

Existing utilities (public and private) will be

relocated when necessary to achieve project objectives.

All utility relocation shall be underground, where
feasible, or otherwise below pedestrian level.

b. New Utilities

When necessary to serve new or existing uses, new utilities will be provided. Any such new utilities shall be underground, where feasible, or otherwise below pedestrian levels.

c. Streets and Sidewalks

New sidewalks, street trees, and landscaped areas will be provided throughout the Project Area with particular emphasis on creating pedestrian amenities on Calhoun Street. Streets will be rebuilt or repaved as necessary.

d. <u>Parking Garages</u>

One or more parking garages will be provided to meet the needs of new and existing uses within the Project Area as well as new or existing uses adjacent to the Project Area. The size of the garage(s) will be based on present and future needs of all uses within the service area.

e. Parks, Plazas, and Pedestrian Bridges

Based on final plans for buildings within the Project

Area, parks, and plazas will be developed to provide open space, areas for pedestrians to congregate, and appropriate settings for the various buildings. Development of second level pedestrian bridges will be encouraged to connect parking garages to buildings and buildings to each other within the civic center area and adjacent blocks.

f. Courtyards

In addition to the above improvements, implementation of the Courtyards project may require razing the existing structures and constructing a new structure or rehabilitation of existing structures and construction of a mall common area or a combination of both.

g. New Construction

It is anticipated that a new office and parking structure will be developed on the southwest corner of Barr and Main Streets.

D. LAND USE PLAN AND DEVELOPMENT CONTROLS

1. Land Use Plan

Map No. 3, "Land Use Plan" and Map No. 4, "Right-of-Way Adjustment Plan" show the proposed:

a. Thoroughfares and street right-of-way. (Map 4)

b. Land use areas. (Map 3)

2. Land Use Provisions and Building Requirements

In order to achieve the objectives of this Urban Renewal Plan, the use of land in the Project Area will be subject to the regulations and controls specified in this section.

3. Permitted Uses

The entire Project Area shall be designated as a Civic/Commercial Use Area and the following uses shall be permitted within the project area.

- exhibition halls, banquet and meeting rooms, theaters, health clubs, and related accessory uses and functions.
- b. Hotels, restaurants, bars, and related accessary uses and functions.
- c. Off-street parking facilities, including parking garages.
- d. Retail stores, offices and business and personal service establishments, and related accessory uses and functions.

- e. Parks, plazas, and open spaces including conservatories and botanical gardens.
- f. Other suitable public and quasi-public uses.

4. <u>Development Controls</u>

a. Building Height

No building shall exceed 400 feet in height.

b. Setbacks

No setbacks from street or property lines are required.

c. Parking

Parking requirements shall be subject to the zoning ordinance of the City of Fort Wayne.

d. Loading and Service

Servicing of all buildings shall be off-street. Developers shall demonstrate that sufficient off-street loading will be provided to meet the needs of the specific reuse proposed. All service and loading areas shall comply with the zoning ordinance of the city of Fort Wayne.

e. <u>Signs</u>

All signs shall be incidental, customary to, and commonly associated with the principal use. Except for

a sign providing general information on activities occurring in the Civic Center Renewal Project Area, rooftop, flashing, moving or intermittently illuminated signs or advertising devices are prohibited, as are signs which may be mistaken for traffic control devices. Signs attached to and parallel to a building shall not extend above or beyond the building facade and shall project no more than 18 inches from the wall to which it is attached. Signs perpendicular to a building facade shall extend no further than 3 feet from the facade, unless suspended beneath a marquee, covered walkway, or arcade. All signs are subject to the City sign ordinance and which ever is more restrictive shall apply.

f. Other Regulations and Controls Applying to the Urban Renewal Area

1. In the event of any question regarding the meaning of the controls or other provisions of this Urban Renewal Plan, the interpretation placed thereon by the Fort Wayne Redevelopment Commission shall be final and binding.

- 2. No use shall be permitted, which, when conducted under proper and adequate conditions and safe-guards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, obnoxious dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.
- 3. The Fort Wayne Redevelopment Commission may establish such interim uses as it deems feasible and desirable in the public interest on property which has been acquired and not yet sold to a developer, provided such interim use does not have an adverse effect upon the surrounding area.
- 4. Unless paved, all open areas shall be landscaped and maintained in an attractive condition.
- or use of any part of the Project Area or any facility constructed in the Project Area on the basis of race, creed, color, sex, or national origin.
- 6. All public improvements made within the Project
 Area shall be designed so as to facilitate access

by the handicapped.

5. Development Plan Review

The Fort Wayne Redevelopment Commission shall review all developers' proposals for compatibility with the project and design objectives. In such review, the Commission may draw upon such technical assistance as it deems necessary.

The Commission shall inform all proposed developers of specific design requirements and objectives prior to the disposition of any project land.

As soon as possible after the selection of a developer, the Commission shall inform him of required submission material in accord with its established review procedures.

For all proposed project development, the site plan, exterior design of all buildings, architectural treatment, landscaping, signs, and other items related to design objectives, shall be subject to the approval of the Fort Wayne Redevelopment Commission.

6. Zoning

The project area is presently zoned B3A General Business

District A and M 1 light industry.

A change in the zoning designation is proposed for parcel 10 (Map No.5). The change of zoning is from M 1 to B3A

7. <u>Duration of Controls</u>

This plan, its regulations, and requirements shall be in effect for fifty (50) years from the date of its original adoption by the Fort Wayne Redevelopment Commission, City Council of Fort Wayne, City Plan Commission, and other legally designated agencies.

8. Conflict with Zoning Ordinance

The uses and controls contained in this Sec. D are also the subject of the zoning ordinance of the City and where in conflict the more restrictive uses and control shall apply, unless amended by action of the appropriate legal entity.

E. OBLIGATIONS TO BE IMPOSED ON REDEVELOPERS

1. The land acquired by the Redevelopment Commission, City of Fort Wayne, will be disposed of subject to an agreement between the Commission and the developer or redeveloper.

The developer or redeveloper will be required by the contractual agreement to observe the development controls. The developer or redeveloper will not be permitted to defer the start of construction for a period longer than that

required for the preparation of necessary plans, their review, and approval by the Redevelopment Commission, City of Fort Wayne, and other governing agencies.

In addition, the following provisions will be included in the agreement:

- a. That the developer or redeveloper will submit to the Commission a plan and schedule for the proposed development or redevelopment.
- b. That the purchase of the land is for the purpose of development of redevelopment and not for speculation.
- c. That the building or improvements will be completed within a reasonable time.
- d. That the developer or redeveloper, their successors or assigns, agree that there will be no discrimination against any person or group of persons on account of race, creed, color, sex, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises therein conveyed or improvements erected or to be erected thereon. The above provision will be perpetual and will run with the land disposed of within the Project Area by the

Redevelopment Commission, City of Fort Wayne.

- 2. Additional controls, restrictions and building requirements may be imposed by the Redevelopment Commission, City of Fort Wayne, in its Notice to Bidders or Instructions to Bidders.
- F. OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS
 All provisions necessary to conform with State and Local law have
 been complied with by this Plan and supporting documents as
 follows:
 - 1. A resolution declaring the amended Civic Center Renewal Project Area as a blighted, deteriorated, or deteriorating area has been adopted by the Fort Wayne Redevelopment Commission.
 - 2. The Urban Renewal Plan indicates the extent and location of land acquisition, demolition, public improvements, rehabilitation, and proposed redevelopment.
 - 3. A zoning change is required by the Plan. For Parcel 10 (Map No. 5) The change of zoning is from M 1 to B3A.
 - 4. The Plan sets forth the permitted land uses, densities, building requirements, and other development controls.
 - 5. The Plan conforms to the General Plan for the City as a whole and to definite local objectives. Specifically, a

Development Plan for downtown was prepared by the Redevelopment Commission in the Fall of 1976 and was updated in
1986. This plan indicated a development strategy for
downtown, as well as specific land use and development
proposals, transportation and parking proposals, and a
design framework. The "First Stage Development Plan" which
includes the Civic Center Urban Renewal Area, was adopted by
the Redevelopment Commission on November 8, 1976, reviewed
by the City Plan Commission in November, 1976 and endorsed
by the City Council on December 14, 1976.

G. PROCEDURE FOR CHANGES IN THE APPROVED URBAN RENEWAL PLAN

The Urban Renewal Plan may be modified or varied at any time by a resolution of the City of Fort Wayne Redevelopment Commission; provided, however, that any change directly and substantially affecting any property or contractual right vested in and by the effectuation of the Urban Renewal Plan may be made only after the Commission has received the consent to the change, in writing, from the owner of such vested right. It is further provided that if such written consent cannot be obtained or if the Redevelopment Commission deems the proposed change in the Urban Renewal Plan to be substantial, then the Commission shall approve such change only in accordance with the same procedure by which the Plan was originally adopted.

EXHIBIT NO. 1

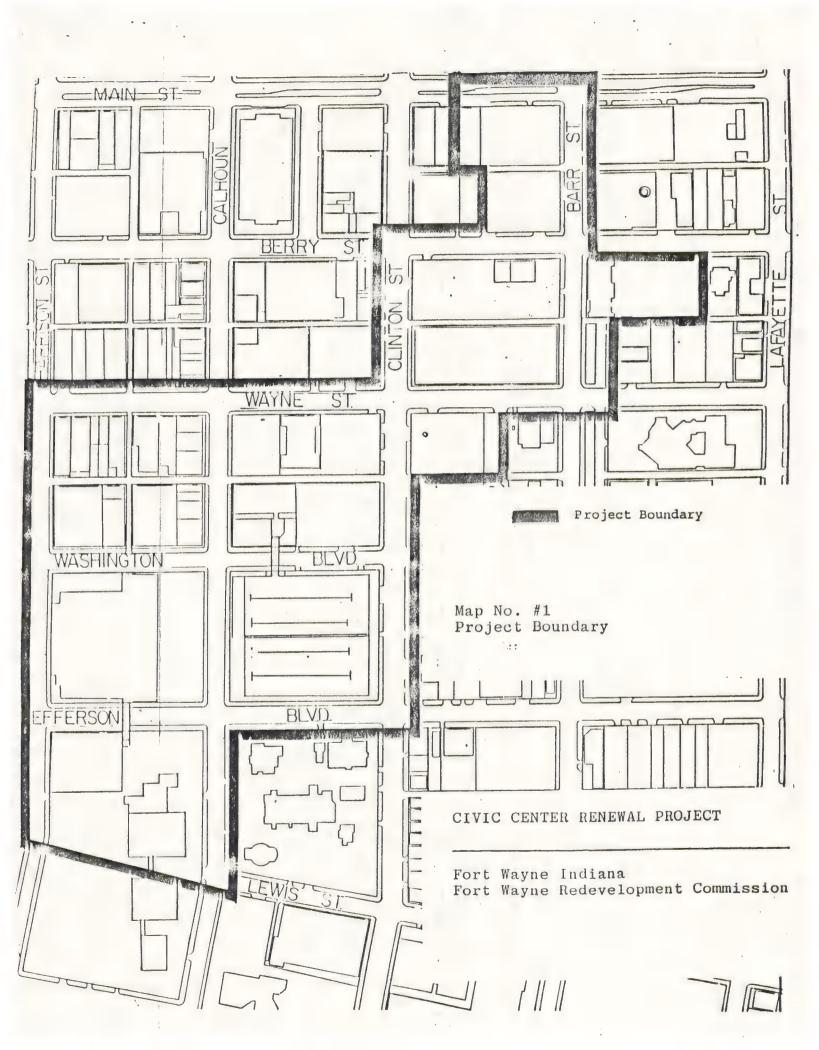
Amendment No. 6 extends the Civic Center Urban Renewal Area to include Parcel No. 9-3 (Map #5). The inclusion of Parcel No. 9-3 is by request of the owner.

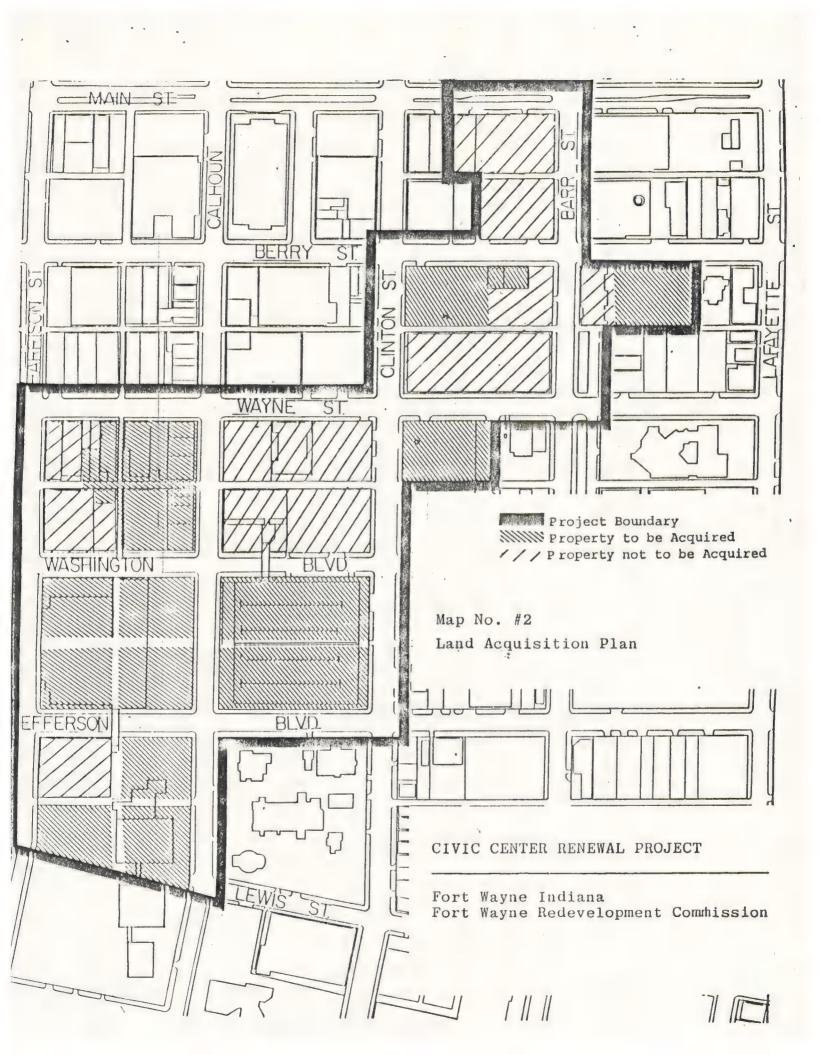
Property to be Acquired

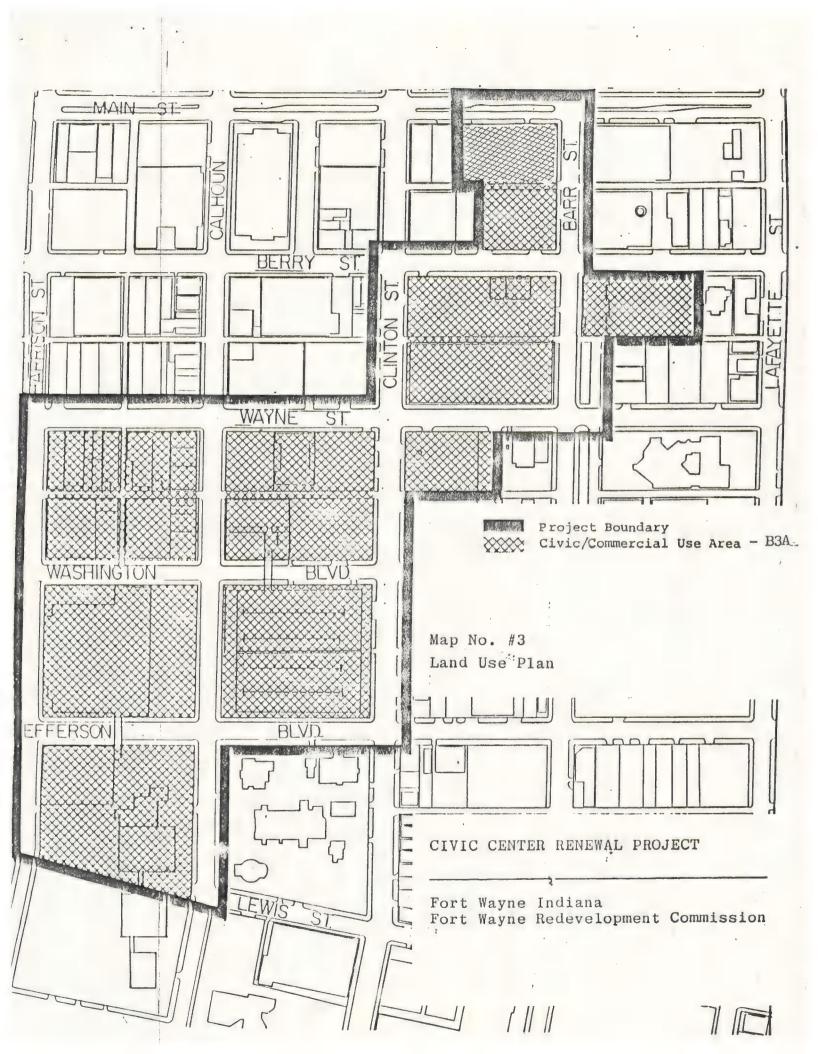
Parcel No.	Owner	Occupant Size	(sq. ft.)
6-3	Scott & Gertrude	Wayne U. of C.	1,200
	Snyder		
6-12	L. E. Shine	Atlantis Travel	6,430
6-13	J & K Labamoff	Law Offices	6,216
6-15	C. T. Salk	New York Dentists	2,800

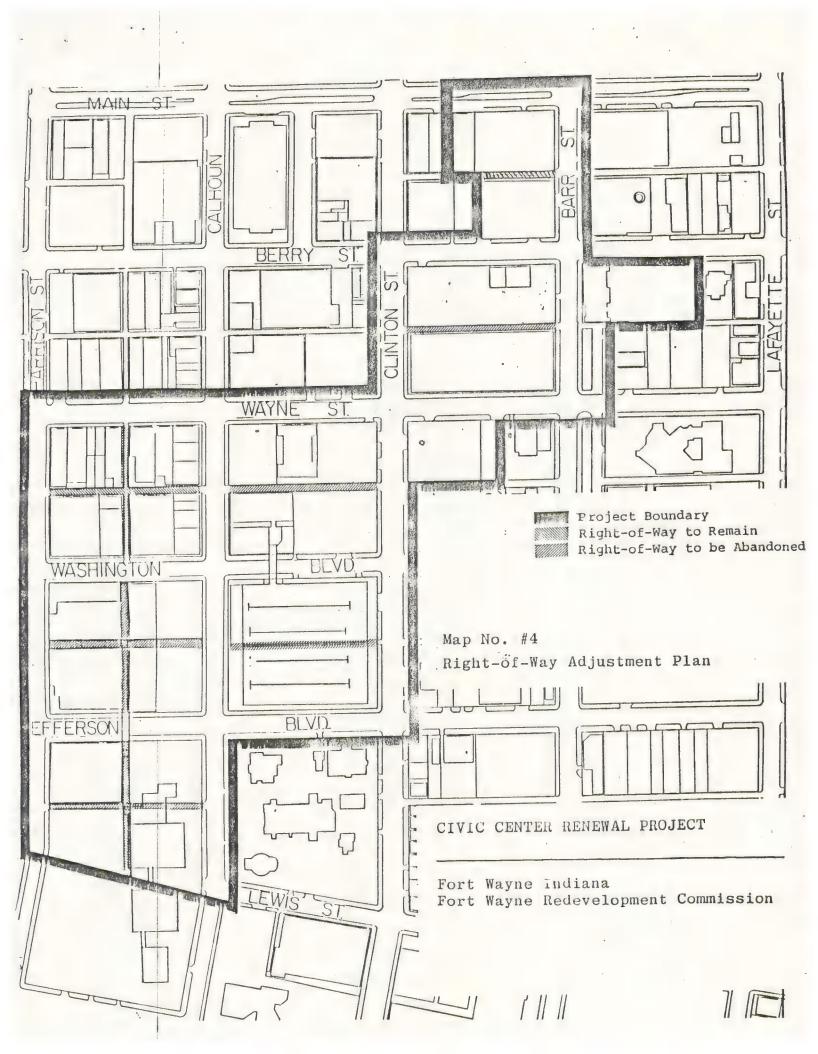
Property	that is		Listed	for	Acquisition	that
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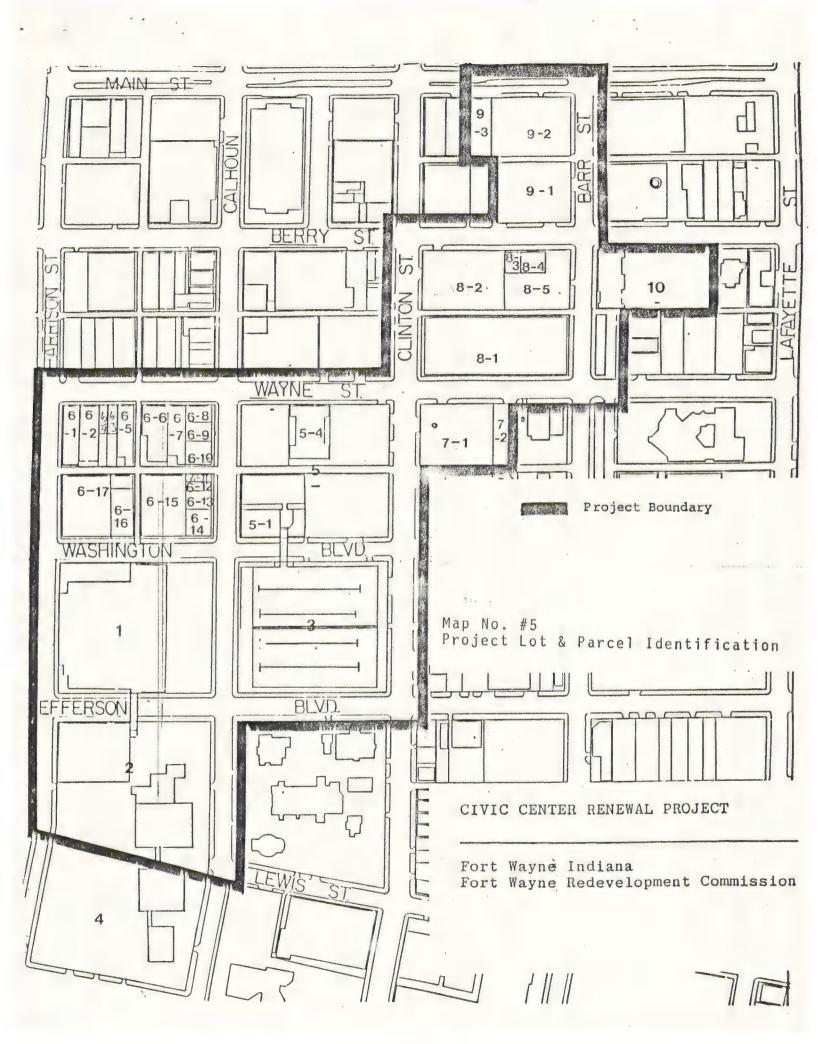
Properties other than listed above that are listed on the Land Acquisition Plan Map No. 2, Blocks 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10.











DATA PERTAINING TO THE ADOPTION OF A DECLARATORY RESOLUTION FOR BOUNDARY AMENDMENT NO. 6 TO THE CIVIC CENTER URBAN RENEWAL PROJECT

Prepared by: Fort Wayne Redevelopment Commission

January, 1987

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IV.	Establishment of Public Benefit
V.	Amendment to the Urban Renewal Plan
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- 1. Proposed Amendment and Project Boundary
- 2. Land Acquisition Plan
- 3. Land Use Plan
- 4. Right-of-Way Adjustment Plan

APPENDIX

Civic Center Urban Renewal Project, as amended - legal description.

I. BASIS FOR A DECLARATORY RESOLUTION

The Indiana Code (Section 36-7-14-15 [a]) provides that:

Whenever the Redevelopment Commission finds that an area in the territory under their jurisdiction has become blighted to an extent that cannot be corrected by regulatory processes or the ordinary operations of private enterprise without resort to this chapter (36-7-14-36-7-14-40), and that the public health and welfare will be benefited by the acquisition and rejevelopment of the area under this chapter, the Commission shall cause to be prepared . . . [a variety of maps and data, a redevelopment plan, and two appraisals of property to be acquired].

The Code also states (Section 36-7-14-15 [b]) that:

Upon completion of the data required . . . the Redevelopment Commission shall adopt a resolution declaring that
the blighted area is a menace to the social and economic
interest of the unit and its inhabitants, and that it will
be of public utility and benefit to acquire the area and
redevelop it under this chapter.

It is the purpose of this report to provide the supporting data for an area proposed to be added to the Civic Center I Urban Renewal Project Area (see Map No. 1). The information in this report is provided for purposes of Redevelopment Commission review in the course of its consideration as to whether to adopt a "Declaratory Resolution" with respect to whether the proposed

addition to the Project Area is a blighted area within the definitions of the Indiana Code.

II. FINDING OF BLIGHT

In order to provide information as to whether the lot proposed to be added to the Civic Center I Renewal Project Area (see Maps Nos 1 and 2) is blighted, and analysis of the factors which influence blight were undertaken in December, 1986.

A. Definition of a Blighted Area

Section 36-7-1-3 of the Indiana Code states that:
"Blighted Area" means an area in which normal development and occupancy are undesirable or impossible because of:

- 1. Lack of development;
- 2. Cessation of growth;
- 3. Deterioration of improvements;
- 4. Character of occupancy;
- 5. Age;
- 6. Obsolescence;
- 7. Substandard buildings; or
- 8. Other factors that impair values or prevent a normal use or development of property.

B. Lack of Development and Cessation of Growth

and the Fort Wayne Central Business District (CBD) exhibit development and growth trends indicative of serious economic deficiencies. Over the past few decades, dramatic changes have occurred in the downtown

area. The loss of major department stores has affected the businesses who remain because of the decrease in the number of people who seek shopping opportunity in the downtown. Thus, with fewer people visiting the downtown area, the dangers are present for the lack of development and cessation of growth in the CBD. Also, as this report will further show, a shortage of class A office space is available in the CBD. With these trends, it is essential that governmental incentives are used to shape the downtown area into a viable community resource. city such as Fort Wayne does not implement the proper measures to stimulate private development, it cannot and would not continue to be an important regional center for economic, social, and cultural activities. In order for the CBD to flourish, with the appropriate kind of development mix, the expansion of the current Civic Center Urban Renewal Area is necessary.

C. Other Factors that Impair Values or Prevent a Normal Use of Property

The shortage of office building space is reported in the 1932 Fantus Company Study, The Economic Base of the Fort Wayne Area. The following appears in the 1985 update to their report:

" A recent survey conducted by the Greater Fort Wayne Chamber of Commerce indicated that the Fort Wayne area contained 2.14 million square feet of rental office space in 48 buildings. This represents an increase of 300,000

square feet, or approximately 100,000 square feet per year, since our 1982 evaluation. Our 1982 analysis showed that between 1970 and 1982, an average of 95,000 square feet of commercial office space was constructed annually in the Fort Wayne area. Almost 75 percent of the commercial office space in the Fort Wayne area is located in the downtown area. The Fort Wayne area office occupancy rate as of March, 1984 was approximately 85 percent. A considerable amount of office space in Fort Wayne is contained in owner-occupied facilities, such as Lincoln Life Insurance, North American Van Lines, and Essex International. According to economic development officials, typical corporate office operation requiring 10,000 square feet of contiguous leased space could not be housed anywhere in the Fort Wayne area. Although several buildings have vacant space in excess of 10,000 square feet, the space is not contiguous, i.e., on one floor. The availability of leased space is one of the key location criteria in most corporate office site searches. thus Fort Wayne is at a disadvantage in this regard."

At the present time, a development company is proposing to develop a commercial office and parking facility on land adjacent to the east of and on the area being proposed as the amendment to the Civic Center Urban Renewal Project Area. This amendment is being requested

by a letter from the development company. The letter on file in the offices of the Redevelopment Commission. The project consists of an 142,000 square foot commercial office building with attached 282 car parking garage. The proposed amendment area is Lot 88 of the original plat of Fort Wayne and is 60 feet wide and 150 feet long. It is currently part of an asphalt parking lot.

In order to have the appropriate land assembly necessary for the proposed project and the subsequent financial incentives available in redevelopment areas, the expansion of the current renewal area is required for the success of the project.

D. Finding

Based on the above data, the physical conditions in the order proposed to be added to the Civic Center I Renewal Project Area are such that it meets the definition of a "blighted area" as set forth in Section 36-7-1-3 of the Indiana Code.

III. DOWNTOWN COMPREHENSIVE PLAN AND DEVELOPMENT STRATEGY

The <u>Downtown Comprehensive Plan and Development Strategy</u> was prepared in 1985, by consultants, for the use of the Redevelopment Commission and the Department of Economic Development. The plan identifies the CBD Office and Commercial Core and states as follows: "The nine block Office and Commercial Core is generally bounded by Main, Barr,

Washington and Harrison Streets in the heart of downtown. While the area has been the focus of considerable office development and various public improvements during the past few years, the core has lost much of its historic retail base. It is recommended that this district be further strengthened and improved as downtown's most intensely developed multi-purpose activity center." Further stated, "Permitted uses within this district should include retail, offices, business services, hotels, restaurants and entertainment facilities. This district should become the most intensely developed and highly active concentration of office and commercial activities within the Fort Wayne region."

As indicated, the proposed amendment is consistent with the objectives identified in the Downtown Comprehensive Plan and Development Strategy.

IV. ESTABLISHMENT OF PUBLIC BENEFIT

The Civic Center Renewal Project is part of the overall Development Plan for Downtown Fort Wayne. Prepared by the Redevelopment Commission and endorsed by the City Council, this plan, adopted in August, 1977, and amended five times since, calls for a variety of activities to revitalize the Downtown. Addition of the proposed area to the Project Area will help achieve the objectives of the Plan.

The character and function of Downtown have changed dramatically in the last two decades. The once vital retail function

has dwindled as outlying shopping centers have developed. Restaurants and entertainment activities have followed the retail outlets to the outlying areas. Residential uses have also dispersed. Surface parking lots have replaced active buildings because of the lack of economic viability of the older structures. Downtown has become a predominantly 8:00 A.M. to 5:00 P.M. place of business. However, there are still some strong components to Fort Wayne's Downtown. The office government sector is healthy and expanding. Most of the city's major civic, cultural, and religious functions are located Downtown. Despite the lack of limited access thoroughfares, traffic access is relatively smooth and efficient.

Plans for the future of Downtown must recognize its changing role. The Redevelopment Commission and its consultants have evaluated past plans, reviewed pending proposals and developed new concepts to arrive at a plan which:

- * Is based on the current and potential strengths of Downtown;
- * Is capable of being staged in accord with available resources;
- * Designates responsibility for the various components;
- * Can be started immediately.

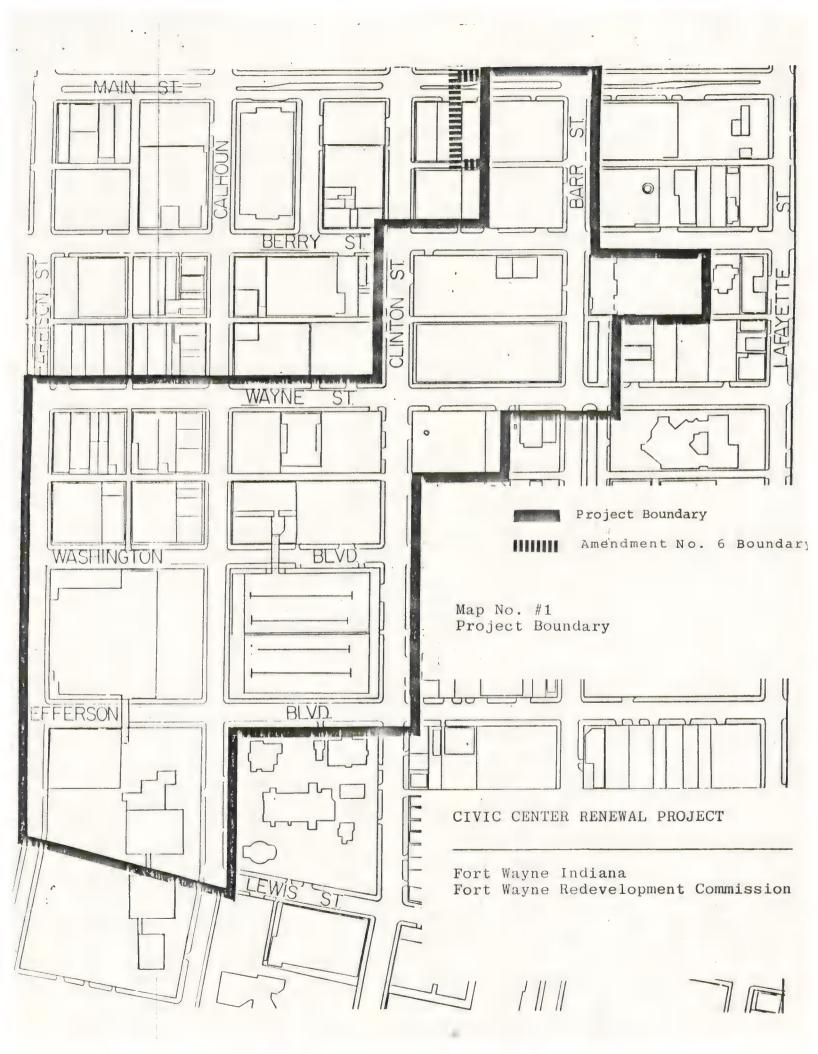
The Civic Center Urban Renewal Project, as amended, is an integral part of downtown development. It will include both semi-public and commercial uses, adding to the Downtown's economic and cultural vitality. The key components of the

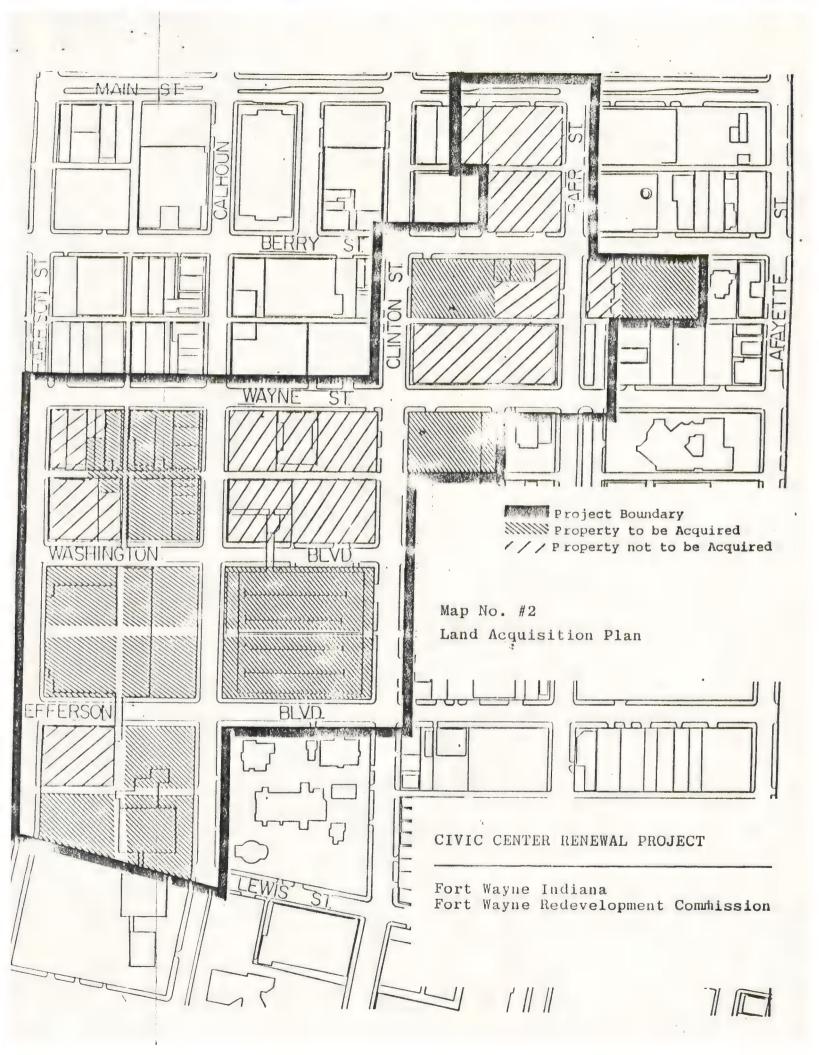
project have been the development of a civic center/hotel. major parking structure, rehabilitation of the Embassy Theatre, and the Courtyards. The block to the north of the civic center/hotel will be developed as the "Courtyards". the south, a plant conservatory was built as a show-place for horticultural exhibits, an educational center, and a recreational resource in the CBD. The former Ayres Department Store is being renovated for office space. Together these improvements will make the area more attractive for those who shop, work, or live Downtown, and will draw additional visitors to the area with resulting spin-offs in retail sales. The commercial development planned for the remainder of the Project Area will also complement the downtown's vitality as well as enhance the City's economic and tax bases. The removal of urban blight, and the development of new projects that are consistent with the overall plan for the Downtown. will produce economic and cultural benefits for the public.

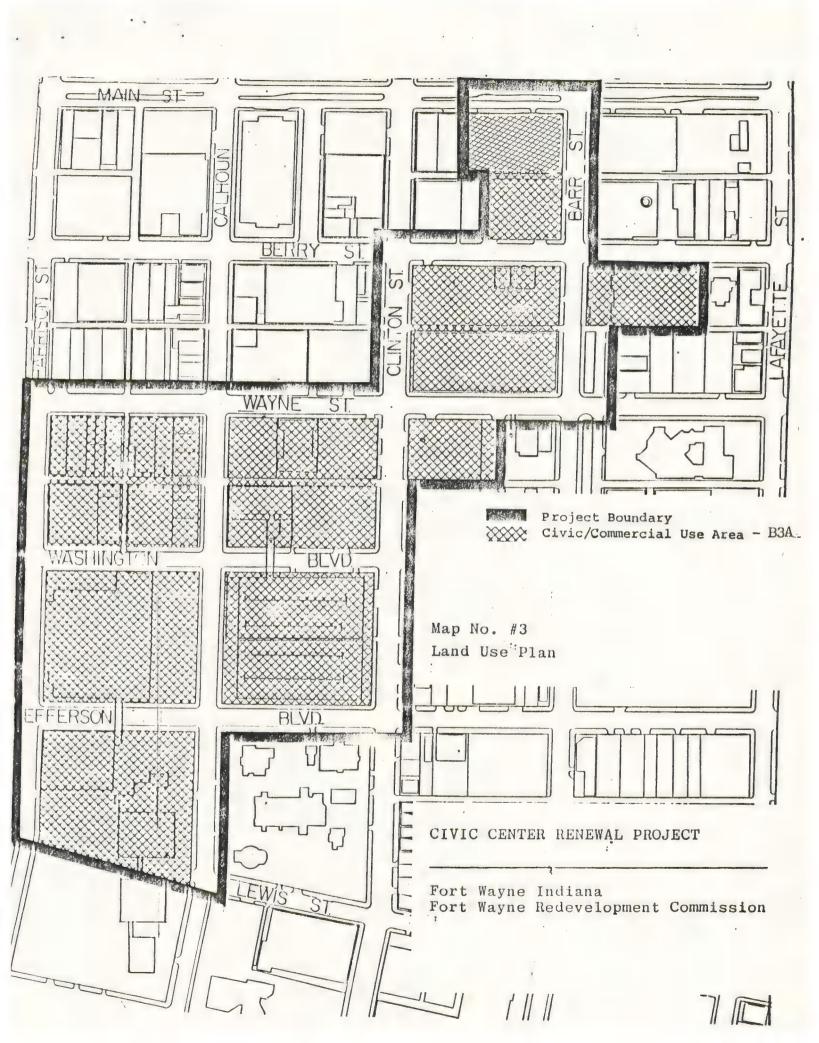
The Indiana Code (Section 36-7-14-30) empowers the Redevelop-ment Commissioner to undertake actions which include "carrying out a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements". The addition of the amended area to the project will ensure the reuse of existing underdeveloped properties and will meet minimum standards adopted for the area.

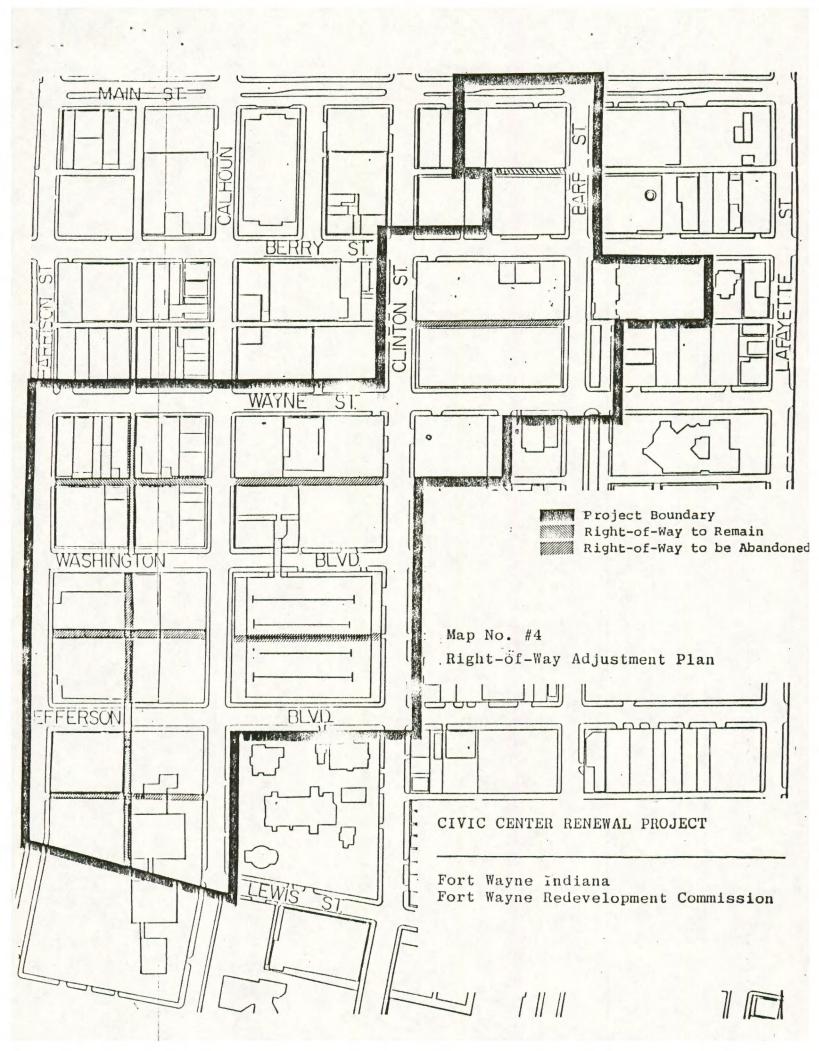
VII. CONCLUSION

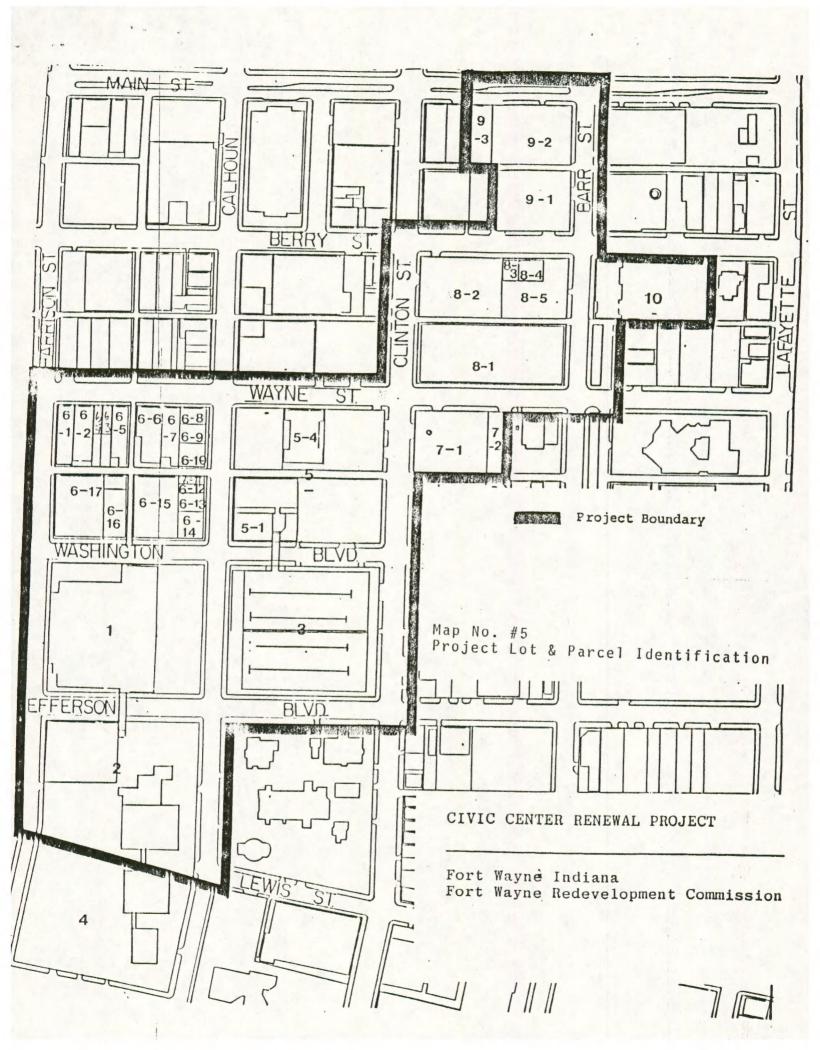
As set forth above, all necessary steps have been taken to permit the Redevelopment Commission to consider a Declaratory Resolution as required by Indiana State Law.











BEGINNING at the point of intersection of the northerly right-of-way line of Washington Boulevard and the easterly right-of-way line of Clinton Street; Thence northerly along the easterly right-of-way line of Clinton Street to the northerly right-of-way line of

the east west alley running from Clinton Street to Barr Street; Thence easterly along the northerly right-ofway line of the east west alley running from Clinton Street to Barr Street for a distance of approximately 235 feet; Thence northerly along a line parallel to the easterly right-of-way line of Clinton Street for a distance of approximately of 150 feet to the southerly right-of-way line of Wayne Street; Thence easterly along the southerly right-of-way line of Wayne Street to the easterly right-of-way line of Barr Street; Thence northerly along the easterly right-of-way line of Barr Street to the southerly right of way line of the east west Alley running from Barr Street to Lafayette Street; Thence easterly along the southerly right-of-way line of the east west Alley running from Barr Street to Lafayette Street a distance of approximately 287.4 feet to the eastern boundary of Lot 272 of Samuel Hanna's First Addition; Thence northerly along said easterly boundary of Lot 272 of Samuel Hanna's First Addition and continuing along the easterly boundary of Lot 64 of County Addition, a distance of 150 feet to the southerly right-of-way line of Berry Street; thence westerly along the southerly right-of-way line of Berry Street to the easterly right-of-way line of Barr Street; Thence northerly along the easterly right-of-way line of Barr Street to the northerly right-of-way line of Main Street; Thence westerly along the northerly right-of-way line of Main Street to the extension of the western boundary of Lot 88 of the Original Plat to the City of Fort Wayne; Thence southerly along the extension of and on the western boundary of said Lot 88 of the original Plat to the City of Fort Wayne to the southerly right-of-way boundary of the east west alley running between Clinton Street and Barr Street between Main Street and Berry Street; Thence easterly along the southerly right-of-way of said alley to the intersection of said alley and the westerly right-of-way line of the north south alley running from Berry Street to Main Street; Thence southerly along the easterly right-of-way line of the said north south alley to the northerly right-of-way line of Berry Street; Thence westerly along the northerly right-of-way line of Berry Street to the westerly right-of-way line of Clinton Street; Thence southerly along the westerly right-of-way line of Clinton Street to the northerly right-of-way line of Wayne Street; Thence westerly along the northerly right-of-way line of Wayne Street to the westerly right-of-way line of Harrison Street; Thence southerly along the westerly right-of-way line of Harrison Street to the southerly right-of-way line of Lewis Street; Thence easterly along the southerly right-of-way line of Lewis Street to the easterly right-of-way line of Calhoun Street; Thence northerly along the easterly right-of-way line of Calhoun Street to the southerly right-of-way line of Jefferson Boulevard; Thence easterly along the southerly right-of-way line of Jefferson Boulevard to the easterly right-of-way line of Clinton Street; Thence northerly along the right-of-way line of Clinton Street to the POINT OF BEGINNING.

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